

HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HARMONY GOLD U.S.A., INC.,

Plaintiff,

v.

HAREBRAINED SCHEMES LLC,  
HAREBRAINED HOLDINGS, INC., JORDAN  
WEISMAN, PIRANHA GAMES INC. and DOES  
1-10,

Defendants.

CASE No. 2:17-CV-00327-TSZ

**DECLARATION OF RYAN B.  
MEYER IN SUPPORT OF  
PIRANHA'S SECOND MOTION  
FOR SUMMARY JUDGMENT  
AS TO PLAINTIFF'S LACK OF  
STANDING TO ASSERT  
COPYRIGHT INFRINGEMENT  
CLAIM**

**NOTE ON MOTION  
CALENDAR: MARCH 30, 2018**

I, Ryan B. Meyer, hereby declare as follows:

1. I am an attorney at Dorsey & Whitney LLP which represents plaintiff Piranha Games Inc. ("Piranha") in this matter. The statements made below are based on my personal knowledge.

2. Attached as Exhibit 1 is a true and correct copy of a certified English-language translation of a certified copy of a Japanese district court decision and its attachment from a case captioned *Studio Nue Co. Ltd and Big West Inc. v. Tatsunoko Production Co., Ltd.*, 2001 (Wa) 1844 (Tokyo District Court, Civil Division 29). Exhibit 1 is organized as follows: (1) the certificate of translation; (2) the certified translation of the Japanese district court decision and its

DECLARATION OF RYAN B. MEYER IN SUPPORT OF PIRANHA'S  
SECOND MOTION FOR SUMMARY JUDGMENT AS TO PLAINTIFF'S  
LACK OF STANDING TO ASSERT COPYRIGHT INFRINGEMENT CLAIM  
Case No. 2:17-cv-00327-TSZ — 1

**DORSEY & WHITNEY LLP**  
COLUMBIA CENTER  
701 FIFTH AVENUE, SUITE 6100  
SEATTLE, WASHINGTON 98104  
PHONE: (206) 903-8800  
FAX: (206) 903-8820

attachment; and (3) the certified copy of the Japanese district court decision and its attachment showing images of the Big West Characters. Portions have been highlighted.

3. Attached as Exhibit 2 is a true and correct copy of a certified English-language translation of a certified copy of a Japanese appellate court decision regarding the district court decision referenced in ¶ 2, *supra*, from a case captioned *Studio Nue Co. Ltd and Big West Inc. v. Tatsunoko Production Co., Ltd.*, 2002 (Ne) 1911 (Tokyo High Court, 3rd Civil Division). Exhibit 2 is organized as follows: (1) the certificate of translation; (2) the certified translation of the Japanese appellate court decision; and (3) the certified copy of the Japanese appellate court decision. Portions have been highlighted.

4. Attached as Exhibit 3 are true and correct copies and certified translations of an October 1, 1982 “Memorandum” agreement between Big West, Studio Nue, and Tatsunoko and a December 1, 1984 “Memorandum” agreement between Tatsunoko and Big West, which were produced together by Harmony Gold as Bates Nos. HG00000082-90. Portions have been highlighted.

5. Attached as Exhibit 4 is a true and correct copy of the August 23, 2017 Amended Judgment Confirming Arbitration Award from the case captioned *Harmony Gold, USA, Inc. v. Tatsunoko Production Co., Ltd.*, Case No. 2:17-cv-06034-PA-MRW (C.D. Cal.). The Amended Judgment confirms the June 27, 2017 Arbitration Award between Harmony Gold U.S.A., Inc. (“Harmony Gold”) and Tatsunoko Production Co., Ltd. (“Tatsunoko”). The Arbitration Award is attached as Exhibit A to the Amended Judgment. Portions have been highlighted.

6. Attached as Exhibit 5 is (1) a true and correct certified copy of the U.S. Copyright Office Certificate of Registration for the work registered to Studio Nue and Big West as Vau 534-107 and (2) a true and correct certified copy of the deposit materials for U.S. Copyright

1 Registration Vau 534-107 which show images of the Big West Characters that are the subject of  
2 Studio Nue and Big West's copyright registration. Portions have been highlighted.

3 7. Attached as Exhibit 6 is (1) a true and correct copy of a certified English-language  
4 translation of excerpts from a book titled *Macross: Perfect Memory*, which bears a 1983  
5 copyright notice of ownership by Big West, Mainichi Broadcasting, and a book publisher called  
6 Minori Shobo, and (2) true and correct copies of certain pages from *Macross: Perfect Memory*.  
7 Exhibit 6 is organized as follows: (1) the certificate of translation; (2) the certified translation of  
8 *Macross: Perfect Memory* excerpts; and (3) the *Macross: Perfect Memory* excerpts. Portions  
9 have been highlighted.

10 8. Attached as Exhibit 7 is a true and correct copy of an amendment dated January  
11 20, 2003 to the license agreement between Tatsunoko and Harmony Gold pertaining to the  
12 *Macross* Motion Picture and the Big West Characters. Harmony Gold produced this document as  
13 Bates No. HG00000050. Portions have been highlighted.

14 9. Attached as Exhibit 8 is a true and correct copy of the March 28, 1985 Certificate  
15 of Copyright Registration No. Pau 740 323 to "MACROSS Episodes 1-36" to claimants  
16 Harmony gold and Tatsunoko. This Certificate of Copyright Registration is also included in the  
17 original Complaint's (Dkt. 1) Exhibit A. Portions have been highlighted.

18 10. Attached as Exhibit 9 is a true and correct copy of an October 3, 2016 letter to  
19 Piranha from Harmony Gold's former counsel, Brett A. August, including attachments to that  
20 letter. Portions have been highlighted.

21  
22 I declare under penalty of perjury pursuant to the laws of the United States of America  
23 that the foregoing is true and correct to the best of my information, knowledge, and belief.

24 Signed this 8th day of March, 2018 at Seattle, Washington.

/s/ Ryan B. Meyer  
Ryan B. Meyer

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26